

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KALOMA CARDWELL,

Plaintiff,

v.

DAVIS POLK & WARDWELL LLP,
THOMAS REID, JOHN BICK, and DANIEL
BRASS,

Defendants.

19 Civ. 10256 (GHW)

DECLARATION AND CERTIFICATION OF LINDSAY H. TOMENSON

Lindsay H. Tomenson, pursuant to 28 U.S.C. § 1746, affirms, certifies and states as follows:

1. I am employed by Davis Polk & Wardwell, LLP (“Davis Polk”). I am the Chief Professional Development Officer, a position I have held since September 2021. I submit this Declaration to authenticate as business records pursuant to Federal Rule of Evidence 902(11) and 803(6) certain documents marked as trial exhibits in this matter. I am knowledgeable about the matters set forth herein and about the relevant record-keeping practices of Davis Polk in my capacity as Chief Professional Development Officer.

2. The facts set forth herein are true and correct to the best of my personal knowledge, information and belief.

3. The records identified below are true and correct copies of documents that were located in the files of Davis Polk and bear the following trial exhibit stamps and bates number stamps:

Trial Exhibit	Bates Number
DTX008	DPW_SDNY-000000260 – DPW_SDNY-000000262
DTX022	DPW_SDNY-000144375 – DPW_SDNY-000144375
DTX023	DPW_SDNY-000144358 – DPW_SDNY-000144358
DTX025	DPW_SDNY-000144373 – DPW_SDNY-000144373
DTX027	DPW_SDNY-000144379 – DPW_SDNY-000144379
DTX028	DPW_SDNY-000144380 – DPW_SDNY-000144380
DTX029	DPW_SDNY-000144357 – DPW_SDNY-000144357
DTX031	DPW_SDNY-000144389 – DPW_SDNY-000144390
DTX045	DPW_SDNY-000144378 – DPW_SDNY-000144378
DTX047	DPW_SDNY-000144356 – DPW_SDNY-000144356
DTX048	DPW_SDNY-000144362 – DPW_SDNY-000144363
DTX057	DPW_SDNY-000144374 – DPW_SDNY-000144374
DTX087	DPW_SDNY-000144387 – DPW_SDNY-000144388
DTX106	DPW_SDNY-000144365 – DPW_SDNY-000144365
DTX107	DPW_SDNY-000144367 – DPW_SDNY-000144367
DTX108, PTX126	DPW_SDNY-000144371 – DPW_SDNY-000144371
DTX110	DPW_SDNY-000144377 – DPW_SDNY-000144377
DTX112	DPW_SDNY-000144355 – DPW_SDNY-000144355
DTX113	DPW_SDNY-000144359 – DPW_SDNY-000144359
DTX116, PTX127	DPW_SDNY-000000271 – DPW_SDNY-000000272
DTX117	DPW_SDNY-000144385 – DPW_SDNY-000144386
DTX147	DPW_SDNY-000144360 – DPW_SDNY-000144360
DTX148	DPW_SDNY-000144369 – DPW_SDNY-000144370
DTX152	DPW_SDNY-000144361 – DPW_SDNY-000144361
DTX153	DPW_SDNY-000144376 – DPW_SDNY-000144376
DTX163	DPW_SDNY-000000283 – DPW_SDNY-000000284
DTX164	DPW_SDNY-000144383 – DPW_SDNY-000144384
DTX261	DPW_SDNY-000144368 – DPW_SDNY-000144368
DTX262	DPW_SDNY-000144372 – DPW_SDNY-000144372
DTX263	DPW_SDNY-000144366 – DPW_SDNY-000144366
DTX264	DPW_SDNY-000144354 – DPW_SDNY-000144354
DTX265	DPW_SDNY-000144364 – DPW_SDNY-000144364
DTX270	DPW_SDNY-000144382 – DPW_SDNY-000144382
DTX271, PTX505, PTX512	DPW_SDNY-000144391 – DPW_SDNY-000144394
DTX272, PTX511	DPW_SDNY-000165431 – DPW_SDNY-000165440

4. The records identified above are performance reviews prepared at or near the time of the work performed that is the subject of the reviews by Davis Polk employees or partners with

knowledge of the work performed, or from information transmitted by someone with knowledge of the work performed.

5. The records were made and are kept by Davis Polk in the ordinary course of business as part of its filing systems for performance reviews of Davis Polk associates. It is the regular practice of Davis Polk to make such records by requesting that Davis Polk employees or partners complete performance reviews of associates who worked on the same matters as the reviewing attorneys.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
November 28, 2023



Lindsay H. Tomenson